IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Bradly Jendersee et al.	
Serial No.:	08/478,192	Group Art Unit: 3309
Filed:	June 7, 1995	
For:	STENT DELIVERY AND DEPLOYMENTMETHOD	Examiner: William Lewis
Atty. Docket No.:	P107-CIP	

Assistant Commissioner for Patents
Washington, D.C. 20231

ELECTION AND RESPONSE TO RESTRICTION REQUIREMENT

I. Introduction

In an Office Action dated September 27, 1996, claims 1-15 (all claims pending) of the above-identified application, were subject to a restriction requirement. Applicants traverse the requirement for restriction for the reason set forth below.

The Examiner has made a 3-way restriction requirement between:

Group I = claims 1-4 and 12;

Group II = claims 8-11; and

Group III = claims 13-15.

The Examiner bases this restriction on the grounds that the inventions of Groups I, II, and III are distinct for the reasons set forth in the Office Action.

II. Meaning of "Distinct"

The term "distinct" is defined in the Manual of Patent Examining Procedure to mean two or more claimed subjects that "are capable of separate manufacture, use or sale

as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER (though they may each be unpatentable because of the prior art)." M.P.E.P. § 802.01.

The Examiner states that inventions I and II are distinct because the device claimed in invention I can be made by injection molding which is a materially different process than that claimed in invention II. Applicants disagree with this conclusion and respectfully traverse the requirement for restriction on this basis.

III. Invention I Cannot Be Injection Molded

The invention encompassed by claims 1-7 and 12, includes a catheter having an inflatable balloon. Distendable devices are not capable of manufacture by the process of injection molding. Inflatable PTCA balloons are distendable devices, and therefore, invention I cannot be made by injection molding as asserted by the Examiner.

IV. Conclusion

Applicants agree with the Examiner that inventions I, II and III are distinct to the extent they are patentable over each other. Applicants disagree, however, with the Examiner's statement that inventions I and II are distinct because invention I can be made by another and materially different process i.e., injection molding.

For the reason discussed above, Applicants traverse the restriction requirement on this ground alone.

Accordingly, Applicants respectfully request that the Examiner reconsider the restriction requirement and withdraw or modify same. If the Examiner maintains the restriction requirement, Applicants, pursuant to 37 C.F.R. § 1.143, provisionally elect the invention of Group I for further prosecution on the merits.

Respectfully submitted,

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in the envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Date: 10/26, 1996